

PUBLIC CHAPTER NO. 1089

HOUSE BILL NO. 3838

By Representative Mike Turner

Substituted for: Senate Bill No. 3692

By Senator Haynes

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 16, relative to certificates of need for nursing home beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-1627, is amended by deleting subsection (d) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 11, Part 16, is amended by adding the following new section:

Section 68-11-1628.

(a) Any existing licensed and operating nursing home may relocate less than all of its licensed beds to a new location or site if the following conditions are satisfied:

(1) The original facility has maintained an average annual occupancy rate for all licensed beds of at least eighty-five percent (85%) as reported on the joint annual report for the previous two (2) years;

(2) The proposed location for relocation of beds is within the original facility's service area;

(3) The original facility is part of a continuing care retirement community that offers long term care including services that included skilled nursing facility services, assisted living, and independent living;

(4) The original facility is licensed for more than two hundred ninety (290) beds by the Tennessee department of health and was certified within the preceding twelve (12) months for Medicaid and Medicare participation; and

(5) An application for the relocation of the beds is filed with and approved by the health services development agency pursuant to this part.

(b) Any beds relocated to a new location shall initially have the same Medicaid certification status that the original, existing nursing home relocating its beds maintains when the certificate of need is granted allowing the movement of beds.

(c) Nothing in this section shall affect a certificate of need project filed before the effective date of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 15, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 3rd day of June 2008


PHIL BREDESEN, GOVERNOR